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## **OLR Bill Analysis**

### **SB 237**

#### ***AN ACT PROHIBITING THE STORAGE OR DISPOSAL OF FRACKING WASTE IN CONNECTICUT.***

#### **SUMMARY:**

This bill prohibits the storage or disposal in Connecticut of drilling fluid, wastewater that flows out of petroleum wells (known as produced waters), and other waste associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy. The bill defines these wastes by incorporating by reference a federal regulation exempting these substances from regulation as a hazardous waste (See BACKGROUND). The prohibition includes wastes from drilling sites employing hydraulic fracturing as well as traditional drilling techniques.

The bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to enforce the prohibition and to adopt regulations establishing a schedule of penalties for violations. The bill does not specify a maximum penalty.

EFFECTIVE DATE: Upon passage

#### **BACKGROUND**

##### ***Federal Hazardous Waste Regulations***

Federal regulations currently exempt such material from hazardous waste requirements under the Resource Conservation and Recovery Act (RCRA).

RCRA regulations provide an exception from regulation as a hazardous waste to drilling fluids, produced waters, and other wastes that would otherwise be regulated as hazardous wastes. The exception is linked to the source of these materials, which must be the exploration, development, or production of crude oil, natural gas, or

geothermal energy (40 CFR Part 261.4(b)(5)).

***Related Bills***

sHB 5308, which the Environment Committee reported favorably, bans the storage, treatment, transfer, disposal, sale, or trade of hydraulic fracturing waste in Connecticut until DEEP adopts regulations controlling it as a hazardous waste. The bill directs DEEP to create a special permit allowing for the importation of up to 1,000 gallons of hydraulic fracturing waste for treatment.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 22      Nay 5      (03/07/2014)